

### REMARKS

Claims 1-17 remain pending after entry of this amendment. Favorable reconsideration is respectfully requested in light of the remarks offered herein.

Claims 1-17 are rejected under 35 U.S.C. § 102(b) as anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over Ahvenainen et al., U.S. Patent No. 5,326,835 ("Ahvenainen"). Applicants respectfully traverse this rejection.

Claims 1-17 are rejected under 35 U.S.C. § 102(e) as anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over Barry et al., U.S. Patent No. 6,403,181 ("Barry"). Applicants respectfully traverse this rejection.

The Examiner asserts that although neither Ahvenainen nor Barry disclose all the characteristics and properties of the claimed compositions, he has a "reasonable basis to believe that the properties claimed in the present invention is inherent in the compositions" disclosed by Ahvenainen and Barry.

Applicant respectfully disagrees with the Examiner's assertion. The compositions of Ahvenainen or Barry do not inherently have the claimed properties. The claimed properties are achieved in Applicant's invention because of the particular conditions employed, i.e. conditions that are not employed in either Ahvenainen or Barry.

$M_w$ , the weight average molecular weight is dependent on the catalyst that is used, the  $MFR_5$  in each reactor, and the composition, i.e., how much material is produced in each reactor. Furthermore, the  $MFR_5$  values in the reactors are independently controlled at least in part by the following factors: the type of catalyst used,  $H_2/C_2$  ratio,  $C_4/C_2$  ratio, temperature and residence time. Similarly,  $M_n$  is dependent at least in part on these same parameters. Therefore, the MWD value ( $M_w/M_n$ ) is also dependent on these same parameters.

The specific values of  $M_n$ ,  $M_w$ , and  $M_w/M_n$  that Applicant claims are therefore dependent on the number of reactors, the process parameters and the catalyst.

---

With respect to Ahvenainen, the claimed characteristics are not inherent in the disclosed compositions for at least three reasons: 1) only two reactors are used in Ahvenainen, while three are used in Applicant's invention; 2) a different catalyst is used; and 3) the reactor conditions are different.

---

Therefore, the compositions of Ahvenainen would not have the same characteristics as those claimed because these factors result in different characteristics as described above.

Barry also has different conditions that are used. More specifically, Barry is a one vessel process which would not result in a multimodal polymer at all. Therefore, the composition of Barry certainly does not inherently have the characteristics of a multimodal composition.

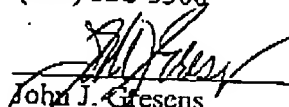
Conclusion

In view of the above amendments and remarks, Applicant respectfully requests a Notice of Allowance. If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number. Even if Barry did produce a multimodal composition, the properties of the composition would not be the same as those claimed because the other reaction conditions are different, and as described above, different reaction conditions result in different characteristics.

Respectfully submitted,

MERCHANT & GOULD P.C.  
P.O. Box 2903  
Minneapolis, Minnesota 55402-0903  
(612) 332-5300

Date: January 21, 2004

  
John J. Gresens  
Reg. No. 33,112  
JJG/AMN/Vh